

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land Acquisition-Decretal Charges-Ananthapur District-Yadiki Mandal-Chandana Village-S.No. 685-B2B4, Ext.0.72 acres acquired for excavation of Yadiki Branch Canal-Award No. 7/92, dt: 19.2.92 orders passed by the Lower Court in O.P.No. 02/2007 dated: 21.4.2008-Payment of enhanced Compensation-Decretal charges proposals-Sanction of Rs1,96,547/--Orders Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 378

Dated: 11.06.2010
Read the following

1. From the Special Chief Secretary to Government & CCLA,A.P.
Hyderabad Lr.No.G4/1468/2009, dt.20.10.2009
2. From the District Collector, Ananthapur Rc.No. G2/4549/2009,
Dated: 10.09.2009

O R D E R:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and District Collector, Ananthapur in the references Ist and 2nd read above have submitted decretal charges proposals in O.P. No. 02/2007 for an amount of Rs. 1,96,547/- (Rupees One Lakh Ninety six thousands Five hundred forty seven only) for an extent of 0.72 acres in Survey No. 685-B3B4 acquired through Award No. 7/92, dt: 19.2.1992 for excavation of Yadiki Branch Canal of Chandana Village, Yadiki Mandal, Ananthapur District. The District Collector, Ananthapur has submitted that the land in S.No. 685-B2B4, Ext.0.72 acres of Chandana Village of Yadiki Mandal of Ananthapur District was acquired for excavation of Yadiki Branchds Canal in Award No. 7/92, Dt: 19.2.1992. The compensation amount of Rs.31, 601/- was paid to the awardees. Aggrieved the market value fixed by the Land Acquisition Officer, the claimants received the compensation under protest to refer the matter to Civil Court u/s. 18 of LA Act. Accordingly the matter was referred to Civil Court, Ananthapur in **OP.No. 02/2007**. The Civil Court in its orders dated: 21.4.2008 in **O.P.No. 02/2007** while enhancing the tree value from **Rs. 30/- to Rs. 100/-** per tree also directed to pay 30% Solatium and 12% Additional Market value on the enhanced market value from 3/90 to 2/92 (24 months) and interest at 9% for a period of one year from the date of award and at 15% p.a. for the remaining period till the date of deposit. The Special Deputy Collector, LA, PABR Stage-II, Ananthapur has prepared final calculation sheet, according to the court orders and submitted proposals for approval in the District Level Monitoring Committee. Further, the Government Pleader for Appeals, AP High Court, Hyderabad has also opined that there is no necessity to file an appeal against the orders of Senior Civil Judge, Gooty in the above O.P. in view of the judgment of Hon'ble High Court in A.S.No. 1046/2000. Accordingly, the Government have issued instructions in G.O.Ms.No. 79, I & CAD (PW-LA-IV- R&R-1) Department, Dated: 19.4.2006, the District Collectors/Special Collectors are authorized to take a decision whether to prefer an appeal or to deposit the decretal charges amount where the enhancement is above 100% but below 150% and the total additional financial involvement is less than Rs.10.00 lakhs. In this case the enhancement is 233%, which is beyond the purview of DLLMC. Accordingly in the DLLMC meeting held on 22.8.2009, it was decided to refer the matter to Government for their consideration and sanction of Decretal Charges. Finally, the District Collector, Ananthapur has requested to C.C.L.A. Hyderabad for sanction an amount of Rs.1,96,547/- (Rupees One Lakh Ninety six thousand Five hundred Forty seven only) in A.S.No. 1046/2000 in O.P.No. 02/2007 dated: 21.4.2008 to
(P.T.O)

::2::

avoid further legal complication. The same amount has forwarded by the C.C.L.A.A.P. Hyderabad.

2. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 1,96,547 (Rupees One Lakh Ninety six thousands Five hundred and Forty Seven only) towards the decretal charges to deposit in Civil Court in O.P. No. 02/2007 in respect of lands in S.No. 685- B2B4 ext.0.72 acres pertaining to Chandana Village, Yadiki Mandal, Ananthapur District was acquired for excavation of Yadiki Branch Canal in Award No. 7/92, dt: 19.2.1992, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the District Collector, Ananthapur should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, before depositing the amount in the Lower Court.

3. The District Collector, Ananthapur is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules. He is also directed to follow the directions of Hon'ble High Court dated: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

4. The amount sanctioned in para (2) above shall be debitable to following Head of Account under : "4701-COLON M & M- Irrigation- (01)- Major Irrigation- Commercial – M.H. -104 TBP HLC stage-II-GH-(11)-Normal Sate Plan- SH (27) C& D-530-532 Lands(Charged), In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 2214/F5(A1)2010-1, Dated: 15.5.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & C.C.L.A. A.P. Hydedrabad
The District Collector, Ananthapur
The Special Deputy Collector, L.A. & Reh, SSP, Kurnool
The Engineer-in-Chief, Hyderabad
The Revenue Divisional Officer, Ananthapur
The Superintending Engineer, I & CAD, Ananthapur
The Director of Works and Accounts, Hyderabad
The District Treasury Officer, Ananthapur
The Joint Director, Works & Accounts, Ananthapur
The Pay & Accounts Officer, Ananthapur

Copy to

P.S. to Minister (M & MI)

Law Department/Finance (W&P) Department

C.No. 26743/L.A.II/A1/2009

Stock file/Spare copies

//FORWARDED BY ORDER//

SECTION OFFICER